

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF TENNESSEE  
at CHATTANOOGA

UNITED STATES OF AMERICA

v.

JOSEPH SWAFFORD and  
JES, INC. d/b/a BROADWAY HOME  
AND GARDEN CENTER

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No. 1:04-CR-138

Judge Curtis L. Collier

**ORDER**

Defendant JES, Inc. ("Defendant") has filed a motion for continuance of trial (Court File No. 101) requesting the Court change the trial date, currently set for February 21, 2006, because Defendant's counsel is scheduled to appear in the United States District Court for the Western District of Tennessee for a sentencing hearing on February 22, 2006. Defendant's counsel asserts a failure to grant a continuance would unreasonably deny Defendant's continuity of counsel. The Government has not responded to this motion.

The Court sees no reason to continue the trial to allow for this court appearance. The Court **DENIES** Defendant's motion for continuance of trial (Court File No. 101). The Court will begin the trial at 9:00 a.m. on Tuesday, February 21, 2006 as previously scheduled, and will take a one-day recess in the trial on Wednesday, February 22, 2006 to accommodate Defendant's counsel.

**SO ORDERED.**

**ENTER:**

/s/  
**CURTIS L. COLLIER**  
**CHIEF UNITED STATES DISTRICT JUDGE**